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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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STATE DOCUMENTS

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OFFICE OF RESEARCH

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specifies that a person must satisfy the school attendance requirements imposed for the conditional license in order to be issued a special restricted driver's license. The bill also provides that a person while operating a motor vehicle under a conditional license or special restricted driver's license (currently this provision relates only to special restricted driver's license holders) who is convicted of a traffic offense (currently this provision applies only to point assessable offenses) or involved in an accident in which he was at fault shall have the removal of the restrictions postponed for twelve months and is not eligible to be issued a regular driver's license until one year from the date of the last traffic offense or accident in which he was at fault or until he is seventeen years of age. Currently, removal of the license holder's restrictions is postponed for six months during which period the licensee must be "free of any traffic convictions."

H. 3933 also provides that it is **unlawful to transport a person under fifteen years of age in the open bed or open cargo area of a pickup truck or trailer**. This provision does not apply when: (1) an adult is present in the bed or cargo area of the vehicle and is supervising the child; (2) the child is secured or restrained by a seat belt that meets specified standards; (3) an emergency situation exists; (4) the vehicle is being operated in an organized hayride or parade pursuant to a valid permit; (5) the vehicle is being operated while hunting or in an agricultural enterprise; (6) the vehicle is being operated in a county which has no incorporated area with a population greater than three thousand five hundred; or (7) the vehicle has a closed metal tailgate and is being operated less than thirty-six miles an hour. A person violating this provision is guilty of a misdemeanor and, upon conviction, must be fined twenty-five dollars. No driver's license points or insurance surcharge may be assessed for a violation.

The House amended, approved, and sent to the Senate **H.4652**, a bill authorizing the issuance of **'United We Stand'** and **'In God We Trust'** **special motor vehicle license plates**. The fee for each **'United We Stand'** special license plate is twenty-five dollars every two years in addition to the regular motor vehicle license fee. Twenty-five dollars of the fee collected must be distributed to the national **'Rewards For Justice'** fund which was created to establish rewards for the capture of terrorists. The biennial fee for each **'In God We Trust'** special license plate is the regular motor vehicle license fee. The production of both special license plates is subject to the conditions and procedures established for other special license plates.

The House amended, approved, and sent to the Senate **H.4054**, a bill requiring **criminal background checks for student teachers and applicants for initial teacher certification**. The bill requires that all persons enrolled in a teacher education program, prior to beginning full-time clinical teaching experience in South Carolina, must undergo a SLED state criminal records check and a national criminal records check supported by fingerprints by the FBI. The bill further provides that individuals applying for initial teacher certification must have undergone these same records checks within eighteen months of applying for teacher certification.

The House amended, approved, and sent to the Senate **H.3840**, a bill pertaining to the **adoption of nationally recognized building codes**. The legislation requires all

HOUSE COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The full Agriculture, Natural Resources, and Environmental Affairs Committee did not meet this week.

EDUCATION AND PUBLIC WORKS

The full Education and Public Works Committee gave a report of favorable with amendment to **H.4405**, regarding **student participation in high school league sports** that are independent of the control of the student's school. As reported by the Committee, this bill provides that during the season for any high school league sport, a student, while a member of a school squad or team engaged in an interscholastic sport, may become a member of or participate in an organized team that is independent of the school's control as long as the participation does not interfere with the scheduled league games or practices of the school squad or team. The Committee included a requirement that such students must have on file with the school a statement by the student's parent or guardian indicating permission for the student to participate on both teams and signed by the independent coach acknowledging that the student's participation will not interfere with scheduled league games or practices.

The Committee gave a report of favorable with amendment to **H.4375**, regarding **references to the word "vocational."** As reported by the Committee, certain statutory references to "vocational" are revised to "career and technology," including revising the name of the South Carolina State Board of Vocational Training to the "South Carolina State Board of Career and Technology Training." The Committee also revised certain references to "job preparatory" to "workforce preparation." The Committee also amended references to State Department of Education review of certain local agricultural programs to reflect review instead by Clemson University. The Committee also deleted the provision which makes it a misdemeanor to injure, destroy, tamper with, or impair the facilities of a vocational board.

The Committee gave a report of favorable with amendment to **H.4419**, regarding recordskeeping of **school board member orientation**. As reported by the Committee, the bill requires that the State Department of Education keep a record of the school board trustees who successfully complete the orientation program, and a trustee who does not successfully complete the program within one year of taking office shall be reported to the chairman of the local board of trustees by the State Department of Education. The bill requires that the local board must then take action to ensure that the matter is resolved and requires that the local board provide a written report to the State Department of Education within thirty days of

LABOR, COMMERCE AND INDUSTRY

The full committee did not meet this week.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The full Medical, Military, Public and Municipal Affairs Committee did not meet this week.

WAYS AND MEANS

The full Ways and Means Committee did not meet this week.

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.191 *IMMUNITY FROM LIABILITY FOR EMERGENCY CARE TO AN ANIMAL* Sen. Waldrep

This bill provides immunity from civil and criminal liability to persons who, acting in good faith and without compensation, render emergency care to an animal that is abandoned, ill, or injured.

H.4700 *STATE FORESTRY COMMISSION LANDS* Rep. Sharpe

This bill revises current provisions regarding cutting or removal of trees and destruction of State Commission of Forestry lands, and destruction of scenic values within certain confines. These revisions include, but are not limited to, increasing the fine for violation of these provisions, and adding a prohibition of unauthorized display or consumption of alcoholic beverages on State Commission of Forestry lands.

H.4714 *OPEN SEASON ON ANTLERED DEER* Rep. Jennings

This bill provides that the season for taking antlered deer with primitive weapons in Game Zone 5 is September first through September fifteenth.

S.813 *HUNTING WILD TURKEY* Sen. Gregory

This bill provides that it is not unlawful to hunt wild turkey on Sunday on private land in Game Zone Four during the prescribed season for hunting wild turkey.

H.4748 GOLF CARTS ON HIGHWAYS OR STREETS Rep. McGee

This bill provides that a municipality may allow golf carts that are equipped with headlights and brake lights to operate along its highways and streets.

JUDICIARY

H.4699 CHARITABLE SOLICITATIONS Rep. Kirsh

This bill revises the Solicitation of Charitable Funds Act so as to provide that, in order to be considered a charitable organization under the law, at least eighty percent of the gross receipts from contributions an organization solicits in this state must be used directly for the stated charitable purpose of the organization.

H.4711 DOCUMENTATION REQUIRED FOR FOREIGNERS TO OBTAIN DRIVER'S LICENSES Rep. Easterday

This bill provides that persons from other countries who are present in South Carolina who possess one of several specified forms of documentation that proves that they are in the state legally may obtain a driver's license or have their driver's license renewed.

H.4712 PROHIBITION ON HIRING FELONS AS DAYCARE EMPLOYEES Rep. Easterday

This bill revises provisions that prohibit daycare centers from employing persons who have been convicted of certain crimes, so as to provide that the prohibition does not apply to a person convicted of specified financial crimes.

H.4717 SOUTH CAROLINA STATE PORTS AUTHORITY SEAPORT SECURITY ACT Rep. Limehouse

This bill, "South Carolina State Ports Authority Seaport Security Act," provides that each seaport under the jurisdiction of the South Carolina Ports Authority shall establish and maintain a security plan relating to the specific and identifiable needs of the seaport which must be reviewed by the State Law Enforcement Division (SLED). The legislation requires that those with access to seaport facilities be subjected to fingerprint criminal background screenings and that visitors present certain forms of identification in order to gain access to a facility. The legislation provides for annual reports on seaport security and SLED inspections of facilities for the purpose of evaluating security measures.

H.4718 TASK FORCE ON CORRECTIONS Rep. Harrison

This joint resolution establishes the Task Force on Corrections and provides for its membership and duties. The task force is charged with making a report with recommendations to the General Assembly before January 1, 2003, after which time the task force terminates.

S.633 SANTEE-COOPER COUNTIES PROMOTIONS COMMISSION Sen. Mescher

This bill revises provisions for the appointment and terms of members of the Santee-Cooper Counties Promotions Commission, to provide that the terms of the

H.4724 SOUTH CAROLINA HEALTH INSURANCE POOL Rep. Cato

This bill revises provisions pertaining to the South Carolina Health Insurance Pool. The bill modifies the definitions of "health insurance" and "individual market". The bill revises health insurance pool coverage eligibility, so as to extend Medicare Supplement Health Insurance Coverage to those individuals who are eligible for Medicare due to disability and under sixty-five years of age. The bill revises provisions relating to Major Medical Expense Coverage, so as to extend coverage to those individuals who are eligible for Medicare due to disability and under sixty-five years of age and to provide for the types of benefit plans to be offered to these individuals and the method for establishing premium rates for the coverage. The bill revises provisions relating to tax exemptions and credits, so as to provide a formula for calculating assessments should the total assessment for all members of the pool exceed ten million dollars in any one year.

H.4734 CREDIT INFORMATION AUTOMOBILE INSURANCE UNDERWRITING AND RATE MAKING DECISIONS Rep. Walker

The bill revises provisions relating to automobile insurance, so as to establish provisions for using credit information in making underwriting and rate making decisions.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4703 "OMNIBUS DOMESTIC VIOLENCE PREVENTION AND PROTECTION ACT" Rep. Cobb-Hunter

This bill provides requirements for state agencies, schools, and communities to address the issue of domestic violence, and revises the procedures and penalties for criminal domestic violence. Under the provisions of the bill:

- state agencies are required to develop a "zero tolerance" workplace domestic violence policy;
- school districts are required to provide continuing education to teachers and staff concerning domestic and family violence;
- the Department of Social Services (DSS) is required to promulgate regulations for child daycare operators and owners to provide staff training on domestic violence;
- DSS is required to develop a statewide domestic violence public awareness campaign;
- DSS is required to facilitate the development of community domestic violence coordinating councils to address the issue in each county or multi-county area;
- children who reside in emergency shelters are allowed to attend school, without charge, in the district in which the shelter is located;
- penalties for conviction of criminal domestic violence are revised;
- persons who have been convicted of criminal domestic violence are prohibited from possessing a firearm; violation of this provision is a felony

creating financial incentives to work and by providing these individuals choices in obtaining services and support to find and maintain employment. The bill includes: provisions for the Department of Disabilities and Special Needs (DDSN) to promulgate regulations administering certain Medicaid buy-in programs, and to apply for demonstration projects under the Social Security disability insurance and supplemental security income programs; provisions for applications by DDSN for waivers relating to Medicaid buy-in programs; provisions for applications for grants to support state infrastructures to support working individuals with disabilities; provisions for the establishment, coordination, and authorization for appropriations for a community-based work incentive outreach program for disseminating information to individuals with disabilities on work incentives; provisions for the establishment of criteria for determining the effectiveness of the State's work incentive initiatives; provisions for development of a strategy for enhancing employment opportunities for individuals with disabilities; provisions for the establishment, duties, and membership of the "Work And Work Incentives Advisory Panel."

H.4729 TUITION FOR CRIMINAL JUSTICE ACADEMY Rep. Knotts

This bill provides to qualified persons, full funding of tuition and other costs of law enforcement training at the Criminal Justice Academy, from the South Carolina Education Lottery Account.

H.4733 SPEECH LANGUAGE PATHOLOGISTS' PAY Rep. Walker

This bill provides that speech-language pathologists who have received national certification from the American Speech-Language Hearing Association (ASHA) shall receive the same increase in pay for the life of the ASHA certification as do teachers who have received National Board for Professional Teaching Standards certification.

H.4735 INCOME TAX ON LOTTERY PRIZE WINNINGS Rep. Clyburn

This bill provides that the recipient of a lottery prize of over one hundred thousand dollars may elect to have the amount withheld for state income tax paid over to a public school, a public school district, or a public institution of higher learning in this State as designated by the prize recipient.

H.4737 MULTI-COUNTY INDUSTRIAL/BUSINESS PARKS Rep. Vaughn

This bill provides that agreements establishing multi-county industrial or business parks must provide that park expenses be paid from payments due counties. The bill also provides that school districts and special purpose districts in which park property is situated must receive a payment equivalent to property taxes or other in-lieu-of tax payments based on assessed value and millage without reduction for any reason except where a special purpose district agrees to pay park expenses. The bill also provides that for payments pursuant to an agreement entered into or ordinance enacted before July 1, 2002, which provides a reduced amount to a school district, the district must be paid by the county the sum necessary to provide an unreduced payment.